

Message Text

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ACTION DLOS-07

INFO OCT-01 EA-11 ISO-00 IO-14 CG-00 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USIA-15 DOTE-00 ACDA-19 AEC-11 AGR-20

FMC-04 INT-08 JUSE-00 OMB-01 DRC-01 FEA-02 CEQ-02

COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06 AF-10

ARA-16 EUR-25 NEA-14 /267 W
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R 050130Z JUN 74

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 7114

INFO AMEMBASSY BANGKOK

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

USMISSION USUN

CINCPAC

C O N F I D E N T I A L KUALA LUMPUR 2608

E.O. 11652: GDS

TAGS: PBOR MY US ID

SUBJ: LOS - CONSULTATIONS WITH MALAYSIA

1. SUMMARY: AMBASSADOR AND TEAM MET WITH MALAYSIAN LOS REPS
JUNE 4. MALAYSIANS SAID THEIR POSITION ON STRAITS HAD NOT CHANGED,
AND THAT THEY PREFERRED NOT TO DISCUSS MATTER WITH US AT THIS
TIME. THEY WERE INTERESTED IN OUR POSITION ON ARCHIPELAGOS AND
ASKED FOR SOME EXPLANATIONS ON FISHERIES. END SUMMARY.

2. AMBASSADOR, OXMAN, AKE, AND EMBOFF MET LATE MORNING JUNE 4
WITH MOHAMMED SALIEH BIN ABAS, SOLICITOR GENERAL; LAL CHANDRA
VORAH, AG'S DEPT; AND YEOP ADLAN BIN CHE ROSE, PRINCIPAL ASST
SECRETARY, EUROPE AND COMMONWEALTH AFFAIRS, MFA AND ATTENDED
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LUNCHEON GIVEN BY THE SOLICITOR GENERAL. NO OTHER MEETINGS

SCHEDULED BY GOM, ALTHOUGH OXMAN AND AKE WILL BE GUESTS OF LAL AND YEOP JUNE 5, A MALAYSIAN HOLIDAY. MALAYSIAN LOS DEL TO BE HEADED BY ATTORNEY GENERAL, WHO WILL BE THERE ABOUT ONE MONTH. VORAH AND YEOP WILL BE ON DEL. ATTORNEY GENERAL TIED UP IN CABINET MEETING JUNE 4.

3. STRAITS. AT START OF MEETING, IN RESPONSE TO OUR SUGGESTION OF STARTING WITH NAVIGATION ISSUES, LAL SAID GOM WAS NOT PREPARED TO DISCUSS STRAITS AT THIS TIME. PRIVATELY, LAL INFORMED OXMAN THAT GOM POSITION HAD NOT CHANGED, AND WOULD HAVE TO BE EXAMINED IN LIGHT OF MEETING OF STRAITS STATE COSPONSORS AT CARACAS.

4. FISHERIES. AFTER SEEKING EXPLANATIONS OF FULL UTILIZATION AND ENFORCEMENT PROPOSALS, LAL INDICATED THAT MOOD AT NAIROBI STILL FAVORED EXCLUSIVE COASTAL STATE RIGHT TO DETERMINE WHETHER FOREIGN FISHING TAKES PLACE AND TO TRY AND PUNISH VIOLATIONS. CITING RECENT BURMESE ARREST OF REGIONAL FISHERIES RESEARCH VESSEL AND TRIAL OF THAIS, MALAYSIANS, AND OTHER NATIONALS ON BOARD, WE ARGUED THAT THE PRACTICAL PROBLEMS INVOLVED WERE MORE IMPORTANT THAN THE JURISDICTIONAL THEORY. SOLICITOR GENERAL DID NOT EXPECT RAPID DEVELOPMENT OF MALAYSIAN FISHING INDUSTRY, AND SEEMED MOST INTERESTED IN REGULATING FOREIGN FISHING. YEOP MENTIONED THAT "THE MINISTER" (UNSPECIFIED) HAS AN INTEREST IN SHRIMP FISHING IN EASTERN MALAYSIA.

5. ARCHIPELAGOS. IN RESPONSE TO QUESTIONS, WE GAVE GENERAL IDEA OF US THINKING ON ARCHIPELAGOS, MAKING IT CLEAR THAT WE WOULD HAVE TO OPPOSE ARCHIPELAGO CONCEPT IF ARCHIPELAGO STATES UNWILLING TO ACCOMMODATE CONCERNS ON DEFINITION AND NAVIGATION. WE ALSO STRESSED THAT NAVIGATIONAL RIGHTS HAD TO BE PART OF LEGAL REGIME OF ARCHIPELAGOS, AND THAT RECOGNITION OR ARCHIPELAGO COUPLED WITH BILATERAL NAVIGATIONAL AGREEMENT WAS INADEQUATE. YEOP SAID MALAYSIA'S PROBLEM WAS NOT WITH SOVEREIGNTY IN THE ARCHIPELAGO, BUT WITH COMMUNICATION WITH SARAWAK AND SABAH; INNOCENT PASSAGE WAS INSUFFICIENT, FREE TRANSIT WAS MORE THAN WHAT WAS NEEDED, BUT OVERFLIGHT SHOULD BE INCLUDED. HE SAID THE PRIME MINISTER TOLD SUHARTO THAT THIS WAS A SPECIAL PROBLEM OF NATIONAL COMMUNICATION FOR

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MALAYSIA THAT REQUIRED SPECIAL TREATMENT, AND THAT MALAYSIA COULD NOT MERELY RELY ON BILATERAL GUARANTEES BECAUSE THINGS MIGHT CHANGE. EMPHASIZING NEED FOR GENERAL INTERNATIONAL NAVIGATIONAL RIGHTS, WE NOTED THAT PROVISION IN MULTILATERAL TREATY THAT IN EFFECT ONLY APPLIED TO ONE STATE IS SUBJECT IN PRACTICE TO RISKS SIMILAR TO THOSE OF A BILATERAL AGREEMENT. WE ALSO NOTED THAT MALAYSIA WAS ESSENTIALLY DEPENDENT ON TRANSIT OF THE PHILIPPINES FOR COMMUNICATION WITH JAPAN

AND THE AMERICAS AND OF COURSE ON TRANSIT OF INDONESIA FOR COMMUNICATION WITH AUSTRALIA AND EXPRESSED DISMAY AT VERY HARD LINE PHILIPPINE STATEMENT ON NAVIGATION IN TOKYO IN JANUARY. OUR REFERENCE TO THEIR INTEREST IN THE PHILIPPINES SEEMED TO TAKE THEM BY SURPRISE, AND SUGGESTS LIMITED GEOGRAPHIC SCOPE OF ANALYSIS OF MALAYSIAN LOS INTERESTS.

6. COMMENT: VORAH AND YEOP APPEAR TO BE EMBARRASSED AT THEIR APPROACH TO CONSULTATIONS AND LATTER EXPLAINED LACK OF TIME FOR PREPARATION IN TERMS OF LEADERSHIP PREOCCUPATION WITH ADB, PRIME MINISTER'S TRIP PEKING, AND UPCOMING ISLAMIC FOREIGN MINISTERS' CONFERENCE. THEY WILL DOUBTLESSLY FEEL SOME NEED TO BE MORE FORTHCOMING WITH US AT CARACAS. EMPHASIS ON MALAYSIAN NAVIGATIONAL INTEREST IN ARCHIPELGO IN REPORT OF PRIMIN CONVERSATION WITH SUHARTO CONTRASTS AT LEAST IN TONE WITH GOM PUBLIC REPORT OF PRIMIN SUPPORT FOR ARCHIPELAGO CONCEPT AND GOI WILLINGNESS TO ACCOMMODATE MALAYSIAN NEEDS RE COMMUNICATION BETWEEN WESTERN AND EASTERN MALAYSIA. UNDERHILL

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